

Message Text

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ACTION DLOS-04

INFO OCT-01 EUR-12 IO-11 ISO-00 L-03 H-02 NSC-05 PM-04

CIAE-00 DODE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01

SP-02 OFA-01 SAL-01 COME-00 INT-05 TRSE-00 NSF-01

CEQ-01 EPA-01 DOTE-00 OMB-01 CEA-01 EB-07 OES-03 CG-00

CIEP-01 FRB-03 SIL-01 LAB-04 ACDA-05 AID-05 /100 W

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R 101712Z MAR 76

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 724

INFO ALL EC CAPITALS 1814

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 EC BRUSSELS 02438

E.O. 11652: GDS

TAGS: PLOS,EEC

SUBJECT: UPCOMING LOS CONFERENCE SESSION

REFS: (A) STATE 54588, (B) EC BRUSSELS 1472, (C) EC BRUSSELS 2188

1. BEGIN SUMMARY: GALLAGHER, DEPUTY DIRECTOR GENERAL FOR EXTERNAL RELATIONS, SAYS EC FULLY AGREES ON THE NEED TO CONCLUDE THE LOS CONFERENCE DURING THIS ROUND ALTHOUGH HE DID NOT BELIEVE 7 WEEKS WILL BE SUFFICIENT. HE THINKS IT MIGHT BE NECESSARY TO MEET IN GENEVA AGAIN IN JULY OR AUGUST, BUT FOR NOW WE SHOULD STICK TO THE IDEA OF A SINGLE SESSION. GALLAGHER REVIEWED THE COMMISSION PROPOSAL FOR A RESPONSE TO AN EVENTUAL 200 MILE ECONOMIC ZONE AND REAFFIRMED THAT THE COMMISSION WAS SEEKING COUNCIL APPROVAL FOR THE COMMUNITY AS SUCH TO BE A PARTY TO THE AGREEMENT. HE SAID IT WAS UNCLEAR TO WHAT EXTENT THE COMMUNITY WOULD BE ABLE TO SPEAK WITH ONE VOICE AT THE NEW YORK CONFERENCE, AT LEAST ON ISSUES OTHER THAN FISHING RIGHTS. HE WAS HOPEFUL THAT ON ISSUES COVERED BY THE TREATIES THE COMMUNITY

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WOULD SPEAK WITH ONE VOICE AND SAID THAT ON OTHER

ISSUES THE COMMISSION WOULD PLAY A COORDINATING ROLE.
END SUMMARY.

2. DCM CARRIED OUT INSTRUCTIONS REFTTEL A WITH GALLAGHER, EC COMMISSION DEPUTY DIRECTOR GENERAL FOR EXTERNAL RELATIONS ON MARCH 9, LEAVING AN AIDE MEMOIRE COVERING POINTS MADE IN PARAS 4 AND 6. ACCORDING TO GALLAGHER THERE WAS ABSOLUTELY NO DIS-AGREEMENT THAT THE LOG JAM MUST BE BROKEN AND AN LOS AGREEMENT REACHED THIS YEAR. HE WAS DOUBTFUL, HOWEVER, THAT 7 WEEKS IN NEW YORK WOULD PROVIDE SUFFICIENT TIME AND HE ANTICIPATED ANOTHER MEETING IN GENEVA IN JULY AND AUGUST. HE AGREED, HOWEVER, THAT IT WOULD BE TACTICALLY UNWISE TO IMPLY THIS NOW, AND WE SHOULD CONTINUE TO INSIST THAT THE COMING SESSION BE THE LAST. DURING THE INTERIM, HOWEVER, IT WAS ESSENTIAL THAT THE MOMENTUM BE SUSTAINED.

3. HE WAS APPRECIATIVE OF THE STATEMENT OF US POSITIONS IN THE AIDE MEMOIRE WHICH HE TERMED AN EXCELLENT SUMMARY OF THE OUTSTANDING ISSUES. HE MADE THE FOLLOWING SPECIFIC POINTS ON ISSUES COVERED IN THE US PAPER:

4. GALLAGHER SAID THE EC LARGELY SHARED THE US VIEW ON THE CREATION OF AN INTERNATIONAL ORGANIZATION FOR MINING THE DEEP SEABED. THE COMMUNITY HAD TAKEN THE US PAPER ON THIS SUBJECT AS A STARTING POINT AND WHILE IT HAD CERTAIN MINOR NITS TO PICK, BY AND LARGE THE COMMUNITY COULD GO ALONG. GALLAGHER BELIEVED THAT POSITIONS IN GENERAL WERE DRAWING TOGETHER ON THIS SUBJECT AND HE WAS SOMEWHAT OPTIMISTIC. HE NOTED THAT PROVIDING FOR EXPLORATION AND EXPLOITATION OF THE DEEP SEABED BY AN OPERATING ARM OF THE INTERNATIONAL AUTHORITY ITSELF WAS A PARTICULARLY DIFFICULT AREA, BUT SEEMED PLEASED WITH THE US PROPOSAL.

5. WITH RESPECT TO POINT A UNDER COMMITTEE II RESPONSIBILITIES, REGARDING RATIONAL MANAGEMENT OF HIGHLY MIGRATORY SPECIES, GALLAGHER AGREED THAT ANY NEW

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INTERNATIONAL AGREEMENT SHOULD AVOID ELIMINATING EXISTING REGIONAL GROUPINGS.

6. UNDER POINT B GALLAGHER SAID IT WAS MOST IMPORTANT THAT ECONOMIC ZONES NOT BECOME TERRITORIAL ZONES. HE BELIEVED THIS WAS A MAJOR REASON FOR PUSHING FOR AN EARLY LOS CONVENTION. LACKING A CONVENTION, HE FEARED SOME STATES MIGHT CLAIM TERRITORIAL

RIGHTS OUT TO 200 MILES.

7. HE RECOGNIZED THAT POINT C CONCERNING THE EXTENT OF COASTAL STATE JURISDICTION OVER THE CONTINENTAL MARGIN WAS A PARTICULARLY CONTENTIOUS ISSUE AND NOTED THAT WHILE THE US HAD SUGGESTED A "RELATIVELY SIMPLE FORMULA" HE FEARED ITS APPLICATION MIGHT PROVE TO BE DIFFICULT AND COMPLICATED.

8. IN THE AREAS OF COMMITTEE III COMPETENCE, GALLAGHER NOTED THERE WAS GENUINE PROBLEM REGARDING THE QUESTION OF SCIENTIFIC RESEARCH. IT WAS ESSENTIAL THAT ANY AGREEMENT PROVIDE SOME MECHANISM TO PERMIT ACTUAL VERIFICATION OF WHAT SO-CALLED SCIENTIFIC RESEARCH VESSELS WERE DOING. HE SAID IN THE ABSENCE OF SUCH PROVISIONS, A SOVIET VESSEL 15 MILES OFF THE EC COAST, FOR EXAMPLE, COULD RESIST ANY EFFORT BY THE COMMUNITY OR A MEMBER STATE TO VERIFY TIS ACTIVITY. THIS WOULD BE INTOLERABLE FROM A SECURITY STANDPOINT.

9. THE POLLUTION ISSUE ALSO RAISED GENUINE PROBLEMS. IT WAS NOT CLEAR HOW AND WHERE ONE WOULD PROSECUTE AN OFFENDER WHO HAD COMMITTED AN UNLAWFUL ACT BEYOND THE TERRITORIAL SEA. HE ALSO NOTED THAT IT WAS SIMPLY NOT REALISTIC TO EXPECT A STRONG FLAG-STATE OBLIGATION TO ENFORCE INTERNATIONAL STANDARDS FROM A FLAG OF CONVENIENCE COUNTRY SUCH AS LIBERIA.

10. IN RESPONSE TO A QUESTION GALLAGHER SAID IT WAS UNCLEAR JUST HOW THE COMMUNITY WOULD COORDINATE AT NEW YORK. HE WOULD BE THERE, HE SAID, AND ONE OF HIS FUNCTIONS WOULD BE TO FIND OUT. IN SOME AREAS SUCH AS FISHING HE IS HOPEFUL THAT THERE WILL BE AN

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AGREED COMMUNITY POSITION AND THAT THE COMMUNITY WILL BE ABLE TO SPEAK WITH ONE VOICE. HE NOTED THAT THIS WAS THE ONLY AREA IN WHICH THE COMMISSION HAD PROPOSED A SPECIFIC ROLE FOR ITSELF (MAINLY TO PERMIT CENTRALIZED EC NEGOTIATIONS WITH OTHER STATES ON FISHING RIGHTS WITHIN THE EXPANDED ECONOMIC ZONE). IN OTHER AREAS, HOWEVER, WHERE THE ISSUES ARE NOT COVERED BY THE TREATIES, THE COMMISSION WILL ATTEMPT TO COORDINATE COMMON MEMBER STATE POSITIONS, BUT THAT THE MEMBER STATES WILL SPEAK FOR THEMSELVES.

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INFO OCT-01 EUR-12 IO-11 ISO-00 L-03 H-02 NSC-05 PM-04

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CIEP-01 FRB-03 SIL-01 LAB-04 ACDA-05 AID-05 /100 W

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TO SECSTATE WASHDC 725

INFO ALL EC CAPITALS 1815

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 2 OF 2 EC BRUSSELS 02438

11. REGARDING THE COMMUNITY'S PROGRESS ON DEALING WITH ITS FISHERIES PROBLEM IN THE EVENT THAT 200 MILE ECONOMIC ZONES BECOME A REALITY, GALLAGHER SAID THAT HE HAD BEEN NEITHER SURPRISED NOR DISAPPOINTED BY THE COUNCIL'S LACK OF ACTION AT THE MARCH 1-2 SESSION (REFTEL C). THESE THINGS TAKE TIME. HE IS HOPEFUL, HOWEVER, THAT THE COMMISSION PROPOSALS WILL BE ACCEPTED AT THE APRIL 5-6 COUNCIL SESSION. HE NOTED THAT THE COMMISSION HAD INFORMED THE COUNCIL IN MARCH THAT IT INTENDED TO BEGIN EXPLORATORY TALKS--CLEARLY NOT NEGOTIATIONS--WITH A NUMBER OF COUNTRIES CONCERNING MUTUAL EXCHANGES OF FISHING RIGHTS. HE MENTIONED NORWAY, ICELAND, CANADA, THE US, THE SOVIET UNION, SEEDEN, POLAND, AND THE GDR. THE COMMUNITY WAS ALSO ENGAGED IN SIGNIFICANT FISHING OFF THE EAST COAST OF SOUTH AMERICA AND THE WEST COAST OF AFRICA. (COMMENT: THIS PROPOSAL COULD RAISE SOME INTERESTING PROBLEMS VIS-VIS THE USSR AND GDR, WHO HAVE NOT YET RECOGNIZED THE COMMISSION AS A VALID NEGOTIATOR FOR THE EC. END COMMENT)

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12. GALLAGHER REITERATED THAT THE COMMISSION WAS ATTEMPTING TO PERSUADE THE MEMBER STATES OF THE NECESSITY OF THE COMMUNITY AS SUCH ADHERING TO ANY LAW OF THE SEA AGREEMENT. THE UK HAD STILL NOT AGREED TO THIS POSITION AND GALLAGHER TERMED THE BRITISH ARGUMENT INTELLECTUALLY REASONABLE. THE UK IS UNWILLING TO AGREE THAT THE COMMUNITY AS SUCH SHOULD BE BOUND EXTERNALLY BEFORE AGREEMENT HAS BEEN REACHED INTERNALLY ON A COMMUNITY POLICY.

13. IN THE EVENT THAT THERE IS COMMUNITY AGREEMENT THAT THE EC AS SUCH ADHERE TO AN LOS CONVENTION, GALLAGHER SAID THE QUESTION OF THE MODALITIES OF THE SIGNATURE HAD NOT YET BEEN FOCUSED ON. SPEAKING PERSONALLY HE PRESUMED THAT THE NORMAL PRACTICE WOULD BE FOLLOWED: THE PRESIDENT OF THE COUNCIL IN OFFICE AT THE TIME OF SIGNATURE WOULD SIGN FOR THE COMMUNITY (E.G., AS WAS DONE AT CSCE). HE SAID A COMPLICATING FACTOR WAS THAT THERE WOULD BE SOME PARTS OF THE CONVENTION WHICH WOULD BE OUTSIDE OF THE AREAS OF THE COMMUNITY'S COMPETENCE. HE ALSO SAID THAT THE PRECISE WORDING OF THE "COMMUNITY CLAUSE" TO BE INSERTED IN THE TREATY HAD NOT YET BEEN WORKED OUT. HE AGREED THAT SOME FORMULATIONS COULD CAUSE GREATER PROBLEMS THAN OTHERS, AND WOULD BEAR THE PROBLEM IN MIND. HINTON

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